



CITY OF MILPITAS CONTRACT

Project: Parks and Streetscape Maintenance Service

Bid No: RFP #2163

Amount of Contract: Initial One Year Term not-to-exceed:	\$331,284
Total of all Options not-to-exceed:	\$1,325,136
Total Five Year Contract not-to-exceed:	\$1,656,420

THIS CONTRACT, made this 30th day of September, 2016, by and between the City of Milpitas, hereinafter referred to as the "City of Milpitas", a municipal corporation and **Marina Landscape Maintenance, Inc.**, a California corporation hereinafter referred to as "Contractor",

WITNESSETH:

- A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and
- B. WHEREAS, The term of the contract shall be one (1) year from September 30, 2016 to September 30, 2017 (the "Anniversary Date"). The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the contract. The City of Milpitas reserves the right to extend this contract for four (4) one (1) year options exercisable at the City's sole discretion, not to exceed five (5) years in total. The City may exercise the renewal option years by written notice to the Contractor by mail, fax or email, including a Purchase Order, sent no later than the last day of the current term. If a renewal option is exercised and/or a price increase is granted it will be transmitted to the Contractor using **"Exhibit A (of the Contract) – Notice of Exercise of Option to Extend Agreement"**, and
- C. WHEREAS, said Specifications include: Proposal No. **2163** for **Parks and Streetscape Maintenance Service**, in its entirety, all Addenda, and the following documents by this reference are hereby offered as a part of the contract to be awarded:
 - a. List of Documents to be Returned with Proposal
 - b. Narrative Proposal (including Company Profile and Execution Plan)
 - c. Proposal Offer Form
 - d. Non-Collusion Affidavit
 - e. Proposer's Statement Regarding Insurance Coverage
 - f. Worker's Compensation Insurance Certificate
 - g. Apprenticeship Standards Certificate
 - h. Nondiscriminatory Employment Certificate
 - i. Minimum Qualifications & Experience Statement
 - j. References
 - k. Subcontractors List (If applicable)
 - l. Subcontractors Acceptance of Solicitation Requirements (If applicable)

- m. Payment Bond (If applicable)
- n. Copies of Contractor's licenses and required certificates
- o. Insurance Requirements
- p. Public Purchase Addendum 1, and Questions 1 through 7

D. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation

Marina Landscape Maintenance, Inc.

Thomas C. Williams, City Manager

Contractor's Authorized Signature

Name of Authorized Representative

Title of Authorized Representative

City of Milpitas Business Tax
Compliance: Certificate No. _____

Approved As
To Form: _____
Christopher J. Diaz, City Attorney

Approved As
To content: _____
Project Manager

Exhibit A
NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	Parks and Streetscape Maintenance Service RFP #2163
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section ____ of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
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NEW OPTION TERM

Begin date:	
End date:	

☐ **CHANGES IN RATE OF COMPENSATION**

Percentage change in ____ Index upon which adjustment is based:	
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Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
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For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS
a municipal corporation

CONTRACTOR
(Insert Name)

By_____

By_____

Name of Authorized Representative

Name of Authorized Representative

Title of Authorized Representative

Title of Authorized Representative

**City of Milpitas, California
BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:	100-2940	65,284	100-424-4237	65,284
<input checked="" type="checkbox"/> Budget Appropriation	238-2909	20,000	237-424-4237	20,000
<input type="checkbox"/> Budget Transfer				

Award the Bid and Authorize the City Manager to Execute a five-year contract, including four Annual Renewal Options, for a not-to-exceed five year contract of \$1,656,420, with Marina Landscape Maintenance, Inc. for Parks and Streetscape Maintenance Services and Appropriate Funds in the Amount of \$85,284 to augment the adopted budget for the year-one contract amount of \$331,284 (Staff Contact: Chris Schroeder, 408-586-3161)

Background:

On July 29, 2016, staff sent out a Request for Proposal (RFP) for Parks and Streetscape Maintenance Service. This naturally resulted from the prior contract reaching its expiration date. Purchasing worked closely with Public Works to develop the specification and bid package for the RFP. The RFP was advertised in the Milpitas Post, City website, and through the Public Purchase procurement system. Thirty-four vendors accessed the bid and three proposals were received in response to the RFP. Proposals were evaluated by a committee of three: the Public Works Director, a Public Works Manager, and a Public Works Administrative Analyst. The committee scored the proposals based on five criteria including price, technical abilities and qualifications, quality of the proposal, and references.

The recommendation for award to Marina Landscape Maintenance, Inc. is based on the offering that is considered to be of best value and the most advantageous to the City. The new contract for Parks and Streetscape Maintenance Service includes a year-one amount of \$331,284 commencing September 30, 2016. The proposed contract includes four (4) one (1) year options for renewal. Renewal years contain a compensation adjustment clause based on the Employment Cost Index (ECI) for wages and salaries for private industry workers, by occupational group and industry, not seasonally adjusted or 5%, whichever is less. After posting the Notice of Intent to Award (Pending Bid Results), there was no protest filed.

The contract scope includes expanded services related to weed abatement program requirements, repairs of aging irrigation systems, spring and fall annual planting, and the maintenance of Bob McGuire Park. Additionally, the current climate has presented increased costs for services specifically in the areas of litter, vandalism and graffiti.

Staff is requesting an appropriation of additional funds to enhance services beyond those in the previous contracts. This new contract is intended to address maintenance services for a new City park in the TASP area and an overall increase in landscaping, maintenance demand citywide.

Fiscal Impact:

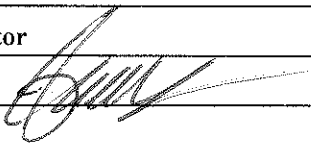
The Public Works Parks and Streetscape Maintenance FY 16-17 budget includes \$246,000 to pay for the subject services. Funding sources for this contract comes from a combination of both Community Facilities District (CFD) and General sources. In line with the enhanced services per the proposed award noted above, staff is requesting \$20,000 from CFD 2008 and \$65,284 from the General Fund for an additional appropriation of \$85,284. The five-year contract, including (4) Annual Renewal Options, results in a not-to-exceed five year contract of \$1,656,420, excluding ECI compensation adjustments.

Recommendations:

1. Award the Bid and Authorize the City Manager to Execute a five-year contract, including four Annual Renewal Options, for a not-to-exceed five year contract of \$1,656,420, with Marina Landscape Maintenance, Inc. for Parks and Streetscape Maintenance Services and Appropriate Funds in the Amount of \$85,284 to augment the adopted budget for the year-one contract amount of \$331,284
2. Appropriate \$20,000 from Community Facilities District (CFD) No. 2008-1 and \$65,284 from the City's General Fund in the Parks Maintenance Budget.
3. Authorize the purchasing agent to extend the term of the agreement annually for each of the four option years with annual price increase per the terms of the agreement and without further City Council action, except for appropriation of funds.

☒ **Check if City Council Approval required.**

Meeting Date: September 20, 2016

Requested by:	Nina Hawk, Public Works Director	Date: 9/8/16
Reviewed by:	Finance Director: 	Date: 9/8/2016
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

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Form 30-222 (Rev. 1/92)